

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MANIE LEIGH FOSKEY, III,	)	
	)	
Plaintiff,	)	Civil Action No. 07-1087
	)	
v.	)	Judge Schwab
	)	
EDWARD G.RENDELL, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

Manie Leigh Foskey's complaint pursuant to 42 U.S.C. §1983 was sent to the court along with a petition to proceed in forma pauperis on August 6, 2007, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on September 19, 2007, recommended that the complaint be dismissed as frivolous, since this is an improper attempt by Foskey to challenge his state court criminal convictions by way of a civil rights action. The parties were allowed ten days from the date of service to file objections. Foskey filed objections (Doc. 17) and has filed several amendments, and motions to permit amendments, to those objections (Docs. 19, 21, 22 and 24). Foskey repeats in those objections the same arguments already addressed by the Magistrate Judge.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation and the numerous objections filed thereto, the following



order is entered:

AND NOW, this 23<sup>rd</sup> day of October, 2007, IT IS HEREBY ORDERED that the pending motions for leave to amend the objections (Docs. 21, 22 and 24) are GRANTED to the extent that the amended objections have been considered by the court.

IT IS FURTHER ORDERED that the Complaint is DISMISSED AS FRIVOLOUS. The Clerk is directed to mark this case CLOSED.

The Report and Recommendation of Magistrate Judge Caiazza, (Doc. 16), dated September 19, 2007, is adopted as the opinion of the court.

s/Arthur J. Schwab  
Arthur J. Schwab  
U.S. District Court Judge

cc: Manie Leigh Foskey  
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